



Winston H. Hickox
Secretary for
Environmental
Protection

California Regional Water Quality Control Board

Los Angeles Region

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Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful



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Los Angeles Regional Water Quality Control Board Minutes of March 13, 2003 Regular Board Meeting held at Metropolitan Water District of Southern California, 700 North Alameda Street, Los Angeles, California

INTRODUCTION

The meeting was called to order by Chairperson Cloke at 9:10am.

Board Members Present

Julie Buckner-Levy, Susan Cloke, Francine Diamond, R. Keith McDonald, H. David Nahai and Tim Shaheen.

Board Members Absent

Brad Mindlin, and Christopher Pak

Staff Present

Dennis Dickerson, Deborah Smith, David Bacharowski, Ronji Harris, Robert Sams, Jack Price, Steve Cain, Jenny Newman, Laura Gallardo, Blythe Ponek-Bacharowski, Art Heath, Paula Rasmussen, David Hung, Michael Lyons, Gary Schultz, Parvaneh Khayat, Toni Callaway

Others Present

Mark Gold, Heal the Bay
Katie Lichtig, City of Malibu
Melanie Irwin, City of Malibu
Bruce Douglas, City of Malibu
Stephen Groner, Santa Monica Bay Restoration
Commission's Task Force for Septic Systems
Steven Braband, BioSolutions, Inc.

Mike Schulz, USEPA
Mark Zirbel, City of Thousand Oaks
George Minter, Shell Oil Company
Kathy Kelly, Shell Oil Company
Vik Bapne, Los Angeles Department of
Public Works

Pledge of Allegiance

1. Roll Call

A roll call was taken.

2. Order of Agenda.

The Executive Officer made the following changes to the agenda:

- *City of Malibu 15 minutes for a presentation following the Public Forum.*
- *Item 9.1 to be continued to the April 3, 2003 meeting*
- *Item 14, removed, matter was settled and the fine paid*

There was a motion to approve the changes to the agenda.

MOTION: By Board Member Nahai, seconded by Board Member Buckner-Levy, and approved on a voice vote. No votes in opposition.

3. Approval of Minutes for Minutes for January 30, 2003.

MOTION: By Board Member Nahai, seconded by Vice Chair Diamond, and approved on a voice vote. No votes in opposition.

4. Adoption of Amended Board Meeting Schedule for 2003

The Board adopted the amended meeting schedule for 2003.

MOTION: By Vice Chair Diamond, seconded by Board Member Shaheen, and approved on a voice vote. No votes in opposition.

5. Board Member Communications and Ex Parte Disclosure

There was nothing reported on this matter.



6.A. Public Forum

Mike Schulz, Director at U.S. Environmental Protection Agency, Los Angeles Office informed the Board that there will be a new USEPA office opening in Los Angeles in the summer of 2003. He mentioned the significance of opening this Office. He indicated that the Wetlands Projects, and dredging will be the first focus for the staff at this new office. He also stated the Greg Lovato, who is now working out of the Los Angeles Regional Board office will continue his work on the MTBE in Santa Monica.

Vic Bapne, Los Angeles County Department of Public Works made brief comments on the Sun Valley watershed. He mentioned that Public Works is trying to work on the flooding problem, and that a Stakeholders group and a mission statement have been developed (from multi-faceted groups). He also stated that a Watershed Management Plan and Environmental Impact Report would be available in June 2003.

Board Chair, Susan Cloke, commended the county on their efforts for this project.

Mark Zirbel, representing City of Thousand Oaks spoke in regards to permits that will be coming before the Board. He stated that the permits still have the old limits, and asked the Board to consider delaying the permits until the new plans are approved, because the City is unable to go forward until the plans are approved.

Dennis Dickerson, Executive Officer clarified that the Board is on a schedule to produce a certain number of permits, and that the delay could be uncertain and may prevent staff from meeting the requirements that EPA has set forth for the Board to meet.

Michael Lauffer, Staff Counsel gave clarification that there is language drafted to be incorporated in the permit that can probably keep the permit from being delayed.

George Minter, consultant to Shell Oil Company introduced new efforts and progress of MTBE Remediation at Charnock Sub-basin.

Kathy Kelley, representing Shell Oil Company gave an overview of the MTBE problem, the studies, and monies spent on the efforts to find solutions for the MTBE problem. Ms. Kelley mentioned that Shell has provided the City over twenty million dollars for replacement water, and has removed over 1700 pounds of MTBE in the last year alone, and are working towards a March 31st deadline.

6.B. Executive Officer's Report.

Dennis Dickerson, Executive Officer highlighted items in the Report. In particular the TMDL Strategy, the Basin Plan, and the MTBE matters being agendized for the April 3, 2003 Board meeting for discussion.



7. Uncontested Items.

There was a motion to approve the following uncontested items: 8.1, 9.2 - 9.6, 11, 12, 13.

MOTION: *By Board Member Nahai, seconded by Vice Chair Diamond, and approved on a voice vote. No votes in opposition.*

Board Member Nahai asked that we could revisit the Policy on SEPs in the future. He said he believes it should be up to the Board to direct where the funds are used for SEPs. Mr. Nahai stated that he would like the Board to revisit the Policy, and prioritize the list instead of leaving the decision up to the recipients of the fines.

There was a 15-minute presentation by the City of Malibu. Katy Lichtig gave an introduction. Melanie Irwin talked about the City of Malibu's efforts to improve the permit. She also discussed the outreach efforts by the City, and their projection to begin construction by the end of the year. She informed the Board that onsite wastewater treatment and operating permits are forthcoming.

Mr. Bruce Douglas, City of Malibu talked about the new approaches by the City with regard to onsite waste management. He stated that the onsite systems are recognized by EPA as a much better approach, and that all family residences will have an operating system permit by 12/1/2003, and will have systems in place in two years.

Claudio Sanchez, Acting City Engineer informed the Board that he is currently reviewing the proposal for the new treatment facility.

Vice Chair Diamond asked if the individual residences would be in the inspection process soon. She indicated that there might be a large loophole wherein individual residences who did not sell or renovate might not have to be inspected for a long time.

Mr. Vic Peterson, City of Malibu, replied, stating that the family residence systems are not voluntary, but will be required, and the City will detail inspectors and the plan will be reflective of the requirements necessary to improve the plans for development of the systems, and requirements in the permit.

Board member Nahai asked questions about the storm water issues with regard to the runoff in Malibu. He also asked what Malibu is doing to get the message to surrounding cities, i.e. outreach efforts.



Mark Gold, Heal the Bay made comments on the Malibu Creek Watershed TMDL. Mr. Gold stated that EPA has taken a reference site TMDL approach, which needs to have an anti-degradation approach. Mr. Gold said that he believes there is a problem with "Fecal Bacterial TMDL", and there is a major disagreement on what constitutes impairment, and EPA, and the State are not in agreement on this issue. He stated that staff should develop Implementation Plans as soon as possible.

There was a 20-minute break.

The Board reconvened at 11:30 a.m.

8. Consideration of tentative new Waste Discharge Requirements and Time Schedule Order for Malibu Beach Inn, Inc. for discharge of domestic and commercial wastewater.

Paula Rasmussen, Chief of Enforcement and Groundwater Permitting section gave the staff presentation. She informed the Board that there were new findings, and a "Change Sheet" was included in there materials. Ms. Rasmussen clarified that all of the properties in the area of the site use onsite disposal systems, and that the Basin Plan does not designate Beneficial uses for ground water in this Coastal area of Malibu. She stated that staff recommends the Board adopt the tentative Time Schedule Order, Waste Discharge Requirements and Change Sheet.

Speakers:

Mark Gold, Heal the Bay stated the he strongly supports Board staff recommendation on this matter.

Chairperson Cloke asked staff to explain the difference between tertiary treatment, and secondary treatment.

Gary Schultz, Board staff stated that tertiary treatment acknowledges anything beyond secondary treatment, including disinfectants.

Steven Braband, City of Malibu defined what tertiary means to the City of Malibu.

Michael Lauffer, Staff Counsel, in conclusion mentioned that the City would always have to meet the 'stricter' standards by California law.

There was a Motion to adopt the tentative orders.

Motion: By Fran Diamond, seconded by David Nahai, and approved on a voice vote.

Closed session began at 11:55, until 3:10 P.M.



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Adjournment of Current Meeting

The meeting adjourned at 3:12 pm. The next regular meeting is scheduled for May 1, 2003, at the City of Simi Valley, Council Chambers, 2929 Tapo Canyon Road, Simi Valley at 9:00 a.m.

Minutes adopted at the _____ Regular Board meeting
submitted/amended.

Written and submitted by: _____.

